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for complete list of represented parties)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MELONEY WRIGHT, et al.,

Plaintiffs,

vs.

ORTHO-MCNEIL CORPORATION, et al.,

Defendants.

Case No. 07-cv-2541-SC

**DECLARATION OF ROBERT F.
CLARKE IN SUPPORT OF PLAINTIFFS'
MOTION TO REMAND TO STATE
COURT**

The Honorable Samuel Conti
Courtroom 1, 17th Floor
Date: July 27, 2007
Time: 10:00 a.m.

I, ROBERT F. CLARKE, declare as follows:

1. I am an attorney at law admitted to practice before this Court, and I am a member of the law firm of Phillips & Associates, attorneys of record for the Plaintiffs herein. I have personal knowledge of the facts set forth herein. If called upon, I could and would competently testify to the following from my own personal knowledge.

2. Attached hereto as Exhibit 1 is a true and correct copy of Gary W. Cleary, et al., *Transdermal and Transdermal-like Delivery System Opportunities*, Business Briefing: Pharmatech 2004.

3. Attached hereto as Exhibit 2 is a true and correct copy of McKesson Corporation, *McKesson to Acquire Kelly/Waldron and Kelly Waldron/SFA to Expand Marketing, Data Analysis and Sales Support Services for Pharmaceutical and Biotechnology Manufacturers*, press release dated December 21, 1998, accessed at

1 http://www.mckesson.com/en_us/McKesson.com/About%2BUs/Newsroom/Press%2BReleases/
2 [1998/McKesson%2Bto%2Bacquire%2BKelly%252FWaldron%2Band%2BKelly%2BWaldron](http://www.mckesson.com/en_us/McKesson.com/About%2BUs/Newsroom/Press%2BReleases/1998/McKesson%2Bto%2Bacquire%2BKelly%252FWaldron%2Band%2BKelly%2BWaldron%252FSFA%2Bto%2Bexpand%2Bmarketing%252C%2B12-21-1998.html)
3 [%252FSFA%2Bto%2Bexpand%2Bmarketing%252C%2B12-21-1998.html](http://www.mckesson.com/en_us/McKesson.com/About%2BUs/Newsroom/Press%2BReleases/1998/McKesson%2Bto%2Bacquire%2BKelly%252FWaldron%2Band%2BKelly%2BWaldron%252FSFA%2Bto%2Bexpand%2Bmarketing%252C%2B12-21-1998.html) on October 5, 2006.

4 4. Attached hereto as Exhibit 3 is a true and correct copy of McKesson
5 Corporation's SEC Form 10-Q dated November 9, 2005, accessed at
6 [http://www.mckesson.com/static_files/McKesson.com/CorpIR/PDF%20Documents/10Q_Q2_F](http://www.mckesson.com/static_files/McKesson.com/CorpIR/PDF%20Documents/10Q_Q2_FY2006_Final.pdf#search=%22September%2030%2C%202005%20mckesson%2010q%22)
7 [Y2006_Final.pdf#search=%22September%2030%2C%202005%20mckesson%2010q%22](http://www.mckesson.com/static_files/McKesson.com/CorpIR/PDF%20Documents/10Q_Q2_FY2006_Final.pdf#search=%22September%2030%2C%202005%20mckesson%2010q%22), on
8 October 6, 2006.

9 5. Attached hereto as Exhibit 4 is a true and correct copy of Notice of Ruling (with
10 Revised Ruling on Request for Reconsideration by Judge Victoria Chaney), filed on or about
11 May 22, 2006, In Re: Vioxx Cases, Case No. JCCP 4247.

12 6. Attached hereto as Exhibit 5 is a true and correct copy of Order Granting
13 Plaintiffs' Motion to Remand, Reid, et al., v. Merck & Company, Inc., et al., Case No. CV 02-
14 00504 NM (RZx), (C.D. Cal. March 26, 2002).

15 7. Attached hereto as Exhibit 6 is a true and correct copy of Order Granting
16 Plaintiffs' Motion to Remand, Black, et al., v. Merck & Company, Inc., et al., Case No. CV 03-
17 8730 NM (AJWx), (C.D. Cal. March 3, 2004).

18 8. Attached hereto as Exhibit 7 is a true and correct copy of Civil Minutes, Albright,
19 et al., v. Merck & Co., Inc., et al., Case No. CV 05-4025-JFW (MANx), (C.D. Cal. July 5, 2005).

20 9. Attached hereto as Exhibit 8 is a true and correct copy of Civil Minutes, Aaroe, et
21 al., v. Merck & Co., Inc., et al., Case No. CV 05-5559-JFW (CWx), (C.D. Cal. September 2,
22 2005).

23 10. Attached hereto as Exhibit 9 is a true and correct copy of the docket for MDL-
24 1742, as accessed online on June 1, 2007.

25 11. Attached hereto as Exhibit 10 is a true and correct copy of the proposed order
26 regarding petition for coordination in the matter of Kai Christopher-Justice, et al., v. Ortho-
27 McNeil Pharmaceutical, Inc., et al.

28 / / /

1 I declare under penalty of perjury, pursuant to the laws of the State of California, that the
2 foregoing is true and correct.

3 Executed this 4th day of June, 2007, at Phoenix, Arizona.

4
5 s/Robert F. Clarke
6 ROBERT F. CLARKE
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7
8 Attorneys for Plaintiffs Meloney Wright, Donny
9 Wright, Danyele Bacon, Diana Burk, Tina
10 Leiphart, Nubia Flores, Molly Kirkpatrick,
11 Reynalda Alvarado, Gayle Anderson, Veronique
12 Peters, Donny Peters, Lakeya Baskom, Tiffany
13 Lillie, Lorraine Fontanilla-Webber, and Ashley
14 Webber.

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CERTIFICATE OF SERVICE

I am employed in the County of Maricopa, State of Arizona. I am over the age of eighteen (18) years and am not a party to the within action. On June 4, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to all other parties appearing on the docket sheet as follows:

Brenda Buonaiuto
Drinker Biddle & Reath LLP
Brenda.Buonaiuto@dbi.com
Attorney for Defendants

I sent a copy of the foregoing by FedEx Express Priority Overnight delivery to:

Charles F. Preuss
Drinker Biddle & Reath LLP
50 Fremont Street, 20th Floor
San Francisco, CA 94105
Attorney for Defendants

I declare that I am employed in the office of a member of the bar of this court at whose direction the filing and service was made.

DATED: June 4, 2007

s/Ron Foltz
Ron Foltz, Paralegal to Robert F. Clarke